

**INVER GROVE HEIGHTS CITY COUNCIL JOINT WORK SESSION
TUESDAY, JUNE 25 2024 - 7:00 P.M. - FIRE STATION #2**

1. CALL TO ORDER:

The City Council of Inver Grove Heights met in a special joint work session on Tuesday, June 25, 2024, in person at Fire Station #2, 9200 Courthouse Blvd. Mayor Dietrich called the meeting to order at 7:00 p.m.

2. ROLL CALL:

Council Present In-Person: Mayor Dietrich; Council Members: T’Kach, Gliva, and Scales.

Environmental Advisory Commission Present In-Person: Sara Goodman, Nicholas Ruiz, Nichole Boehmke, Jon Wallerick, Ted Trenzeluk, Tracie Killion, and Patti Mikulski (Absent: Kevin Sethre and Marjorie Savage)

Planning Commission Present In-Person: Jon Weber, Dennis Wippermann, Trisha Presley, Scott Clancy, Jason Teiken, Lance Twedt, Aida Schaefer, and Amy Hunting (Absent: Robert Heidenreich)

Staff Present: City Administrator Wilson, City Attorney McCauley Nason, City Clerk Kiernan, Environmental Specialist Ally Sutherland, and City Planner Allan Hunting.

3. DISCUSSION ITEMS

A. Introductions & General Overview

Ally Sutherland, Environmental Specialist, presented an overview of the three landfills in Inver Grove Heights

1. Dawn Way Landfill - Split between IGH and SSP - Construction debris only
2. SKB Rich Valley Landfill - Construction Debris only
3. Pine Bend Landfill - Mixed Municipal Solid Waste - Construction Debris

Pine Bend Landfill is the largest open Mixed Municipal Solid Waste (MSW) landfill in Minnesota, open since 1971. Their address is 2495 117th Street E and it is owned by BFI Waste Systems of North America LLC. In 2018 there was a side slope expansion approval that allows operation until December 31, 2030, or 32.13 million cubic yards. The proposed vertical expansion would be for 8,185,800 cubic yards, would raise the heights by 85 feet at the highest point and extend the life to 2042, about 15 additional years.

MSW Landfill Permitting by Minnesota Pollution Control Agency (MPCA). They issue and enforce solid waste permits (defines accepted wastes and capacity.) Metropolitan Solid Waste Management Policy Plan (2022-2042) is a plan for the Twin Cities Metropolitan Area (TCMA) solid waste. Landfills are needed but the least-preferred disposal option.

The Metropolitan Disposal Abatement Act states that no new landfill disposal capacity is permitted in TCMA without a Certificate of Need.

Dakota County’s role in MSW landfill permitting is to develop and enforce conditions of County Approvals, including a solid waste master plan, the Dakota County Ordinance 110, a solid waste facility license and a Host community agreement since the Landfill resides in Dakota County.

City of Inver Grove Heights role in MSW landfill permitting is to exercise planning and zoning authority. The City will develop and enforce Zoning Code, Non-Conforming Use Certificate, a Conditional Use Permit, and a Host Community Agreement.

SKB site has a preliminary permit to accept mixed municipal solid waste, but has not come forward yet? That is correct they have not applied to the City.

B. Presentation by Pine Bend Landfill

Aaron Janusz, Republic Services (Pine Bend Landfill) presented the Vertical Expansion segment.

Current conditions of the existing permit are:

- Constructed Footprint - 188.9 acres
- Permitted Footprint - 192.1 acres
- Airspace remaining - 1.7 Million Cubic Yards
- Tons Remaining - 1.3 Million
- Remaining Life - 3 years - 2027
- Average Tons a day - 1,600
- Waste Mix - 70% Municipal Solid Waste & 30% Non-Hazardous Industrial
- Maximum elevation - 1,020 feet (120 feet above ground surface)

Expansion Background shows that there are three years of permitted life remaining. A vertical expansion may increase to a maximum height to 1,105 feet from 1,020 feet (85 feet increase). This would allow for 7.7 million cubic yards of additional airspace over existing lined area of landfill.

Certificate of Need (CON) was approved in December 2021 with 2,398,746 tons awarded. The current estimate is approximately 500,000 tons of CON remaining at the end of the permitted life.

Approvals that are needed are from City of Inver Grove Heights - application submitted on June 13, 2024; Dakota County - License modification was submitted May 30, 2024; Minnesota Pollution Control Agency (MPCA) - Environmental Review submitted June 6, 2023 and approved March 1, 2024 and a permit modification was submitted June 6, 2022 which is currently a draft permit for public comments.

Republic Services has stated that they are not increasing their footprint. With the vertical expansion proposed the:

- Constructed Footprint - 188.9 acres
- Permitted Footprint - 192.1 acres
- Airspace remaining - 9.4 Million Cubic Yards
- Tons Remaining - 1.3 Million
- Remaining Life - 18 years - 2042
- Average Tons a day - 1,600
- Waste Mix - 70% Municipal Solid Waste & 30% Non-Hazardous Industrial
- Maximum elevation - 1,105 feet (205 feet above ground surface)

Questions received:

1. Does all of the waste come from other areas or just the metro area? Includes acceptance from the entire state. The Great River Energy incinerator stopped operating to bring more tonnage in.
2. What percentage of hauling trucks using Pine Bend Landfill are owned by Republic Services? 80%.
3. Is there More waste in spring/summer rather than winter months? Yes
4. Is the Gas generation plant sized correctly now and will be able to handle more in the future?

5. Would it be possible to expand wider? Not with the railroad tracks on both sides.
6. Has the landfill changed with the changing of organics recycling?

C. Presentation by MN Pollution Control Agency

Sherri Nachtigal, Supervisor for the Solid Waste Permitting Unit with the MPCA presented the following.

MPCA’s role in Municipal Solid Waste (MSW) landfill permitting and compliance oversight is to ensure landfill operation regulation and compliance with the terms and conditions of the permit. MPCA requires a Certificate of Need (CON) process for MSW landfills in the Twin Cities Metropolitan Area.

MPCA’s role in Permitting - follow a permit process with Statutes and MN Rules, conduct technical review of permit application, and consider other criteria.

MPCA’s role in Compliance Oversight Roll - Conduct technical review of the permit application/permit, determine compliance, and conduct enforcement.

Permitting Process Steps

1. Submittal of application
2. Draft permit produced
3. Public Notice
 - a. Solicit comments in the draft permit
 - b. Public Meeting
 - c. Potential contested case hearing
4. Has project received appropriate local approval or deferred to MPCA?
5. Is the project consistent with the Metro Solid Waste Policy Plan?
6. Responds to comments and production and issuance of the final permit and Findings of Fact on consistency with Metro Policy Plan

MPCA’s compliance steps are to conduct technical review of permit application/permit; Perform onsite inspections; Review annual reports; Coordinate with local entities (Dakota County); Take enforcement actions when necessary.

Mn Rule 705.2815, subpart 13 has 24 stipulations that need to be followed for landfill operations to make sure there is Financial Assurance. The rules ensures that Landfills Operations are: Certified operators, spreading/compacting waste, waste slopes for drainage, covers (intermittent, intermediate, final), grade stakes, resource recovery ops, tires, inspection criteria, Leachate (S&A, LCS cleaning volume), corrective actions, dead animals, C & D disposal, groundwater monitoring, methane gas monitoring, wet weather ops, provide an annual survey, use permanent fill markers, frost protection for liners, closure, post-closure contingency action cost and surface water.

Solid Waste Management Hierarchy - 7035.0350

The waste management goal of the state is to foster an integrated waste management system in a manner appropriate to the characteristics of the waste stream and thereby protect the state's land, air, water, and other natural resources and the public health. The agency supports the management of solid waste in accordance with the goals stated in Minnesota Statutes, section 115A.02, paragraph (a), which emphasize reducing toxicity and volume of wastes. In recognition that wastes may have value and should be viewed as a resource, the goal of solid waste management should be to use wastes for their highest and best value and to dispose of them only after other feasible options have been evaluated or for environmental protection.

Metropolitan Solid Waste Policy Plan

- Legislature sets goals for landfill abatement
- MPCA Metro Solid Waste Policy Plan establishes roadmap for landfill abatement
- Metro County Solid Waste Plans set out implementation of programs to meet the goals
- MPCA Metro Solid Waste Plan shows reduced need for MSW LF disposal
- Updated Metro Policy Plan, covering 2022-2042 was issued in January 2024 (Metro area CON process is included in the plan and Metro area waste forecasts and management methods are included in the plan (75% recycling plan by 2030)

Certificate of Need 473.823 Subd.6 shows that no new capacity shall be permitted without a CON issued by the commissioner indicating that additional disposal capacity is needed. It must consider other options, including waste reduction, source separation and resource recovery which would minimize adverse impact upon natural resources. Alternatives that are speculative or conjectural shall not be deemed to be options. Economic considerations alone shall not justify the CON or the rejection of alternatives. Standards and criteria in Metro Policy Plan Appendix D (D-6 to D-8).

Certificate of Need process consists of Plan that MPCA adopts Metro Solid Water Policy Plan, forecasts landfill needs, and approves County Solid Waste Master Plans.

The MPCA invites CON proposals (180 days), CON applications formulated by landfills, counties support CON applications, CON request may trigger EAS or EIS, and MPCA reviews and acts on CON requests (90 days) with findings of fact.

The landfill permit application (submitted within 18 months of preliminary CON) may trigger EAW or EIS, permits MMSW capacity as per CON, and permits expire every ten (10) years.

Questions?

1. Confirm 10-2021 CON by Pine Bend? Findings of fact was done December 2021
2. Tonnage fees? Between Operator and City.

D. Overview of Required City Approvals, Processes & Timelines

Bridget Nason, City Attorney, presented the portion of the agenda about City Approvals Needed for Pine Bend Landfill to expand.

1. Background information on required City approvals
2. Requested approvals are
 - a. Zoning Ordinance Amendment
 - b. Conditional Use Permit (CUP) Amendment
 - c. Non-Conforming Use Certificate (NCUC) Amendment
 - d. Host Community Agreement (HCA)
3. Anticipated City Application Consideration Timeline

Role of the City in Regulating Pine Bend Landfill is to exercise planning and zoning authority. City staff that will need to be involved are the Planning Department portion of Community Development, the Environmental Specialist, Barr Engineering, the City Attorney, and the City Administrator.

The History of City Regulations related to landfills are that Zoning ordinance amendments were done in 1991 and 1995; Conditional Use Permit (CUP) is required for certain solid waste related land uses; Non-conforming Use Certificates (NCUC) issued to existing landfills outlining existing uses, geographic

boundaries, airspace capacity, accessory uses, and related matters; Host Community Agreements exist with all three landfills.

Current City Code Provisions are that Landfills are not an allowed use within the City (existing landfills are legally established non-conforming uses). No new landfills may be established, with a few exceptions, and existing landfills may not be expanded, with a few exceptions.

The IRM -Integrated Resource Management Overlay District is an overlay district in the areas zoned I-1 and I-2, encompassing landfills and areas immediately adjacent to the landfills. The Intent of the IRM includes the prevention of the expansion of mixed municipal solid waste landfills by encouraging industrial development on adjacent properties.

In the Integrated Resource Management Overlay district, the conditional uses include composting facilities, energy recovery facilities, recycling facilities, resource recovery facilities, and transfer stations. Prohibited uses include processing of hazardous or infectious waste, incineration of wastes, new sanitary landfills, open dumps, waste combustors, and certain expansions of existing landfills.

The application has been made to amend the City's zoning ordinance to allow vertical expansion of the landfill.

A conditional use is defined as a use specifically classified as "conditional" in this title, which is classified as such since it may be inappropriate or undesirable in a specified location. Thus, it requires approval according to the procedures established in Chapter 3, Article A of this title because, if not carefully located or designed, it may create special problems such as excessive height or bulk or traffic congestion

Commission and Council needs to address:

1. Amendment to zoning ordinance to allow expansion of landfill. (I-1, I-2 & IRM zoning)
2. Amendment to non-conforming use certificate
 - a. Identify existing legally established
3. New Conditional use permit.
 - a. Allows a specific use
 - b. Describe and limit uses on the site (hours of operation)
 - c. Place reasonable restrictions on the use (such as no stacking of vehicles)
4. Host Community Agreement
 - a. Establish the principles of association between the city and the operator/owner of the landfill.
 - b. Third agreement reiteration.

A Conditional Use Permit (CUP) will be required for any vertical expansion of Pine Bend Landfill. A Nonconforming Use Certificate (NCUC) will identify existing legally established non-conforming uses on a site, and describe and limit existing non-conforming uses. Pine Bend's existing NCUC must be amended to reflect any expansion approved as part of the CUP. The Host Community Agreement establishes the principles of association between the City, as the host community to the landfill, and the owner/operator of the landfill. It requires compliance with existing MPCS-issued permits, and requires regular communication with the City. The agreement will outline payment of host community fees. The existing Host Community Agreement must be amended to address the proposed expansion of the landfill and additional length of time that the landfill will be operational.

The tentative application review and consideration timeline is as follows:

June 25, 2024	7pm: Joint EAC, PC and CC meeting
July 15, 2024	Mailed neighbor notifications
July 25, 2024	7pm: Environmental Advisory Commission meeting
August 7, 2024	7pm: Planning Commission Meeting - Public Hearing
August 26, 2024	6pm: City Council Meeting

Questions?

1. Tonnage questions in 2021 change in host community agreement.
2. Will staff have questions answered before the July 25 EAC meeting? Possibly
3. EAW/EIS maybe triggered? Yes, last summer 2023. Findings in March 2024.
4. If expansion does get approved, will one day when that landfill closes, will there be additional costs of closing the landfill? Ground water monitoring will still go on, and maintenance costs will still have to be considered. Not substantial - may a little more.
5. 2018 Expansion - original landfill not lined? Northern portion not lined. Now has a liner over the entire area (sandwich style) 2 feet clay, 60 htp polyethylene layer, then fill to drain.
6. Cannot go higher - 3 to 1 slope or wider due to railroad constraints.
7. Dead load? Ethan - impact on existing weight - 15% strain (3-4% actual)
8. Leachate - water coming down from landfill to the bottom, brought to tank - tanked out to MPCA Metropolitan waste facility for removal.
9. 2042 is the closure date? All depends on future - not a no for sure.
10. PFAS leachate - Met Council agreement - tracking since 2011 in St Paul. What would it take to treat? Waiting on regulatory measures to come down.
11. Methane Recovery - designed on current tonnage - daily basis or would need to expand facility? 3200 CFM peak - now at 27-28.
12. What process to get questions to staff?
 - Planning Commission - Allan
 - EAC - Ally
 - Council - Kris
 - Public - Becky - cityclerk@ighmn.gov
13. What is the city's deadline for approval or denial? 60 days on its own, City can extend another 60 days if need arises.

4. ADJOURN:

Motion to adjourn at 8:34 p.m. by Murphy, second by Scales.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by City Clerk Rebecca Kiernan